APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,501	11/28/2000	Dave McDysan	RIC00043	7593

			EXAMINER
25537	7590	03/24/2004	GOLD, AVI M

WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application N .	Applicant(s)
Office Action Summary	09/723,501	MCDYSAN ET AL.
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 November 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _6,7,8_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed November 28, 2000. Claims 1-36 are pending. Claims 1-36 represent an external processor for a distributed network access system.

Specification

1.   The disclosure is objected to because of the following informalities: Information about the related applications needs to be updated with dates and application numbers. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.   Claim 8 recites the limitation "the policy server" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5.   The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The use of "for less than all" in line 3 of claim 5 causes the limitation to be unclear.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-6, 9, 19-24, and 27 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hammer et al., U.S. Patent No. 5,058,056.

Hammer teaches the invention as claimed including a computer system which

requires backup over workstations and workload of the computer system (see abstract).

Regarding claim 1, an external processor for a network access system having a

programmable access device, said external processor comprising:

a service controller that provides at least one service for network traffic (col. 2,

lines 55-68; col. 3, lines 1-29; Hammer discloses a workstation controller);

a message processor that processes network messages for service processing

by the service controller (col. 2, lines 55-68; col. 3, lines 1-29; Hammer discloses

message controllers executing commands sent from host systems); and

a programmable access device controller that programs an associated

programmable access device in response to service controller processing (col. 2, lines

55-68; col. 3, lines 1-29; Hammer discloses primary and secondary modes being set).

Regarding claim 2, the external processor of claim 1, wherein the external

processor includes a plurality of service controllers including said first service controller,

wherein each of said plurality of service controllers implements a respective one of a

plurality of services (col. 1, lines 47-68; col. 2, lines 1-3; Hammer discloses a primary

and secondary workstation controller).

Regarding claim 3, the external processor of claim 2, wherein the plurality of

service controllers includes primary and secondary service controllers for a particular

service among said plurality of services, and wherein the secondary service controller

provides said particular service to said programmable access device if said primary

service controller fails (col. 1, lines 47-68; col. 2, lines 1-3; Hammer discloses the

secondary workstation controller taking over when the primary workstation controller

fails).

Regarding claim 4, the external processor of claim 2, wherein said plurality of

service controllers includes a second service controller in communication with said first

service controller such that a network message can be serviced by both of said first

service controller and said second service controller (col. 1, lines 47-68; col. 2, lines 1-

3).

Regarding claim 5, the external processor of claim 2, wherein the external

processor is coupled to a plurality of programmable access device, and wherein at least

one of the plurality of service controllers performs service processing for less than all of

said plurality of programmable access devices (col. 1, lines 47-68; col. 2, lines 1-3, 55-

68; col. 3, lines 1-29; Hammer discloses an active workstation controller).

Regarding claim 6, the external processor of claim 1, wherein the service

controller includes means for injecting a packet into a traffic flow handled by the

programmable access device (col. 3, lines 60-68; col. 4, lines 1-44; Hammer discloses a

message being sent over the network).

Regarding claim 9, the external processor of claim 1, and further comprising a

reporting processor that provides an interface through which a reporting event received

from the programmable access device is communicated to the service controller (col. 3,

lines 39-68; col. 4, lines 1-12; Hammer discloses events being reported).

Claims 19-24 and 27 do not teach or define any new limitations above claims 1-6

and 9 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 7, 8, 10, 11, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hammer further in view of Gai et al., U.S. Patent No.

6,167,445.

Hammer teaches the invention substantially as claimed including a computer

system which requires backup over workstations and workload of the computer system

(see abstract).

As to claims 7 and 8 Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including a service policy interface through which the service controller requests policy decisions from a policy server and a policy cache that selectively caches policies obtained from the policy server.

However, Gai teaches a method and apparatus for applying high-level, quality of service policies at dissimilar computer network devices (see abstract). Gai teaches the use of policy servers (col. 5, lines 63-67; col. 6, lines 1-26) and a policy translator with storage (col. 9, lines 59-67; col. 10, lines 1-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Gai to use a service policy interface through which the service controller requests policy decisions from a policy server and a policy cache that selectively caches policies obtained from the policy server. One would be motivated to do so because policy servers allow a set of rules that can be applied to the network and the policy cache allows for those rules to be more quickly accessible.

Claims 25 and 26 do not teach or define any new limitations above claims 7 and 8 and therefore are rejected for similar reasons.

As to claims 10 and 11 Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including a signaling controller that transmits signals, that specify a quality of service, to configure network hardware to provide network connections.

However, Gai teaches a method and apparatus for applying high-level, quality of service policies at dissimilar computer network devices (see abstract). Gai teaches the use of signals with a quality of service (col. 6, lines 27-67; col. 7, lines 1-29).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to modify Hammer in view of Gai to use a signaling controller that transmits
signals, that specify a quality of service, to configure network hardware to provide
network connections. One would be motivated to do so because signals with a specific
quality of service help make efficient traffic management decisions.

Claims 28 and 29 do not teach or define any new limitations above claims 10 and
11 and therefore are rejected for similar reasons.

10.   Claims 12, 13, 30, and 31 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Hammer further in view of Bullock et al., U.S. Patent No. 6,631,414.

Hammer teaches the invention substantially as claimed including a computer
system which requires backup over workstations and workload of the computer system
(see abstract).

As to claims 12 and 13 Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller
comprising a session management means for causing the programmable access device
controller to signal the programmable access device to end a Transport Control Protocol
(TCP) session receiving enhanced service and wherein the session management
means comprises means for causing the programmable access device controller to
signal the programmable access device to delete the TCP session state in response to
a session activity level.

However, Bullock teaches incoming and outgoing communications between peer
nodes requiring only a single line per dedicated peer (see abstract). Bullock teaches

the use of a session manager job event handler that ends and deletes a TCP session in response to a session activity level (col. 8, lines 46-67; col. 9, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bullock to use a service controller comprising a session management means for causing the programmable access device controller to signal the programmable access device to end a Transport Control Protocol (TCP) session receiving enhanced service and wherein the session management means comprises means for causing the programmable access device controller to signal the programmable access device to delete the TCP session state in response to a session activity level. One would be motivated to do so because if there is no activity on a TCP session then it should be ended and deleted so that no more packets will be sent to it.

Claims 30 and 31 do not teach or define any new limitations above claims 12 and 13 and therefore are rejected for similar reasons.

11.   Claims 14-18 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer further in view of Bowman-Amuah, U.S. Patent No. 6,442,547.

Hammer teaches the invention substantially as claimed including a computer system which requires backup over workstations and workload of the computer system (see abstract).

As to claim 14, Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller comprising a conference call service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of an automated callback system for call setup and control of a conference call (col. 39, lines 14-67; col. 40, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising a conference call service controller. One would be motivated to do so because it would allow the invention to handle conference calls.

Claim 32 does not teach or define any new limitations above claim 14 and therefore is rejected for similar reasons.

As to claim 15, Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller comprising an e-commerce service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of "Next Generation Network" architecture enabling E-Commerce services (col. 14, lines 59-67; col. 15, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising an e-commerce service controller. One would be motivated to do so because it would allow the invention to participate in e-commerce.

Claim 33 does not teach or define any new limitations above claim 15 and therefore is rejected for similar reasons.

As to claim 16, Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller comprising an Internet protocol telephony service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of a "Next Generation Network" cable infrastructure that can provide IP based telephony services (col. 19, lines 43-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising an Internet protocol telephony service controller. One would be motivated to do so because it would allow the invention to handle IP telephony.

Claim 34 does not teach or define any new limitations above claim 16 and therefore is rejected for similar reasons.

As to claim 17, Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller comprising a reserved bandwidth service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use of a predetermined amount of bandwidth (col. 4, lines 7-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprises a reserved bandwidth service controller. One would be motivated to do so because it would help avoid bandwidth congestion.

Claim 35 does not teach or define any new limitations above claim 17 and therefore is rejected for similar reasons.

As to claim 18, Hammer teaches the method of claim 1.

Hammer fails to teach the limitation further including the service controller comprising a multicast service controller.

However, Bowman-Amuah teaches information service management in hybrid communication network system, including data and communications management (see abstract). Bowman-Amuah teaches the use a of Real-Time Transport Protocol for transmission of real-time data over multicast networks (col. 40, lines 34-67; col. 41, lines 1-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hammer in view of Bowman-Amuah to use a service controller comprising a multicast service controller. One would be motivated to do so because it would allow the invention to multicast.

Claim 36 does not teach or define any new limitations above claim 18 and therefore is rejected for similar reasons.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Pat. No. 6,578,076 to Putzolu.

U.S. Pat. No. 6,219,706 to Fan et al.

U.S. Pat. No. 6,584,508 to Epstein et al.

U.S. Pat. No. 6,161,145 to Bainbridge et al.

U.S. Pat. No. 6,366,577 to Donovan.

U.S. Pat. No. 6,141,686 to Jackowski et al.

U.S. Pat. No. 6,286,052 to McCloghrie et al.

U.S. Pat. No. 5,842,040 to Hughes et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Avi Gold whose telephone number is 703-305-8762.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG
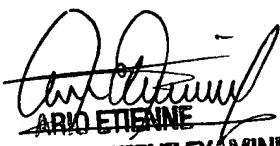
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